

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE

APPLICATION NUMBER E3360 (35-9941)

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MEMORANDUM DECISION

Exchange Application Number E3360 (35-9941), in the name of John McFarland, was filed on December 19, 1994, to exchange 2.0 acre-feet of water as evidenced by U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District under Water Right Numbers 35-7395 (A10989) and 35-827 (A27608). The 2.0 acre-feet of water is to be released into the Ogden river and, in lieu thereof, 2.0 acre-feet of water will be diverted from a six inch well, 100 feet to 400 feet deep, located South 1000 feet and West 100 feet from the NE Corner of Section 20, T 7N, R 1E, SLB&M, and used for the irrigation of 0.49 acre, the stockwatering of two cattle or equivalent, and the domestic purposes of one family.

The application was advertised in The Ogden Standard-Examiner from January 19, 1995, to February 2, 1995, and was protested by US Department of the Interior and Weber Basin Water Conservancy District. On May 11, 1995, notice was submitted that the concerns of the protestant had been met, and as a result, a hearing was not held.

It appears that this exchange can be made provided certain precautions are observed.

It is, therefore, **ORDERED** and Exchange Application Number E3360 (35-9941) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn from the well if a contract is not in effect.
- 2) Total diversion under this exchange application for all uses applied for is limited to 2.0 acre-feet of water per year. These uses are limited to irrigation of 0.49 acre, the stockwatering of two cattle or equivalent, and the domestic purposes of one family. For the purpose of regulating this exchange, the applicant shall install a permanent totalizing meter to measure withdrawals from the well, which meter shall be available for inspection by the commissioner of the Weber River at any reasonable time.
- 3) The water being exchanged shall be released from Pineview Reservoir into the Ogden river as called for by the river commissioner.
- 4) Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

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This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 9th day of June, 1995.


Robert L. Morgan, P.E., State Engineer

RLM:LFQ:mw

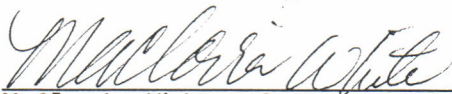
Mailed a copy of the foregoing Memorandum Decision this 9th day of June, 1995, to:

John McFarland
4160 North 3800 East
Liberty, UT 84310

US Department of the Interior
Bureau of Reclamation
302 East 1860 South
Provo, UT 84606-7317

Weber Basin Water Conservancy District
c/o Ivan W. Flint
2837 East Highway 193
Layton, UT 84040

E. Blaine Johnson
1615 E. Shadow Valley Drive
Ogden, UT 84403

BY: 
MaClovia White, Secretary